

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| DANIEL WESLING,            | ) |                                   |
|                            | ) |                                   |
| Petitioner,                | ) | Civil Action No. 3:18-cv-233      |
|                            | ) | Judge Kim R. Gibson/              |
| v.                         | ) | Magistrate Judge Maureen P. Kelly |
|                            | ) |                                   |
| ERIC TICE and THE ATTORNEY | ) |                                   |
| GENERAL OF THE STATE OF    | ) |                                   |
| PENNSYLVANIA,              | ) |                                   |
|                            | ) |                                   |
| Respondents.               | ) |                                   |

**MEMORANDUM ORDER**

The above-captioned habeas corpus petition filed pursuant to 28 U.S.C. § 2254 was received by the Clerk of Court on November 19, 2018, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (the "Report"), ECF No. 4, filed on November 30, 2018, recommended that this habeas petition be transferred forthwith to the United States District Court for the Middle District of Pennsylvania as venue was more proper there, given that the state court out of which his conviction was obtained was located within the Middle District. Service of the Report was made on Plaintiff at his address of record. Plaintiff was given until December 17, 2018 to file any objections. No Objections were filed.

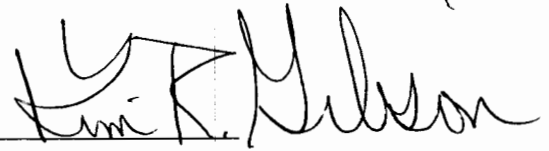
Accordingly, after de novo review of the pleadings in this case and the Report, it is hereby ORDERED that the Clerk is to transfer this case FORTHWITH to the United States District Court for the Middle District of Pennsylvania. The Report is adopted as the opinion of the court.

BY THE COURT:

/s/Kim R. Gibson

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

Date: December 19, 2018

cc: The Honorable Maureen P. Kelly  
United States Magistrate Judge

DANIEL WESLING  
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